

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHANE ANDERS,

Plaintiff,

Case No. 20-cv-11991
Hon. Matthew F. Leitman

v.

JOCELYN BENSON *et al.*,

Defendants.

/

ORDER ON STATUS CONFERENCE

On July 26, 2020, Plaintiff Shane Anders filed a six-count Complaint against the Defendants. (*See* Compl., ECF No. 1.) On July 27, 2020, Anders filed a motion for an emergency temporary restraining order that arises out of Count I of his Complaint – a claim brought under the First Amendment against Defendant Jocelyn Benson (Michigan’s Secretary of State) and Cathy M. Garrett (the Wayne County Clerk). (*See* Mot., ECF No. 5.) In the motion, Anders seeks relief from the enforcement of two statutes that Anders says prevent him from engaging in certain anonymous political speech. (*See id.*) He also seeks immediate consideration of that motion. (*See id.*) Anders has also filed an emergency motion for summary judgment on Counts IV and V of his Complaint (*see* Mot., ECF No. 11) and an emergency motion to expediate the briefing schedule for that summary judgment motion (*see* Mot., ECF No. 9).

On July 29, 2020, The Court held an on-the-record video status conference with counsel for all parties to discuss the pending motions. For the reasons explained on the record during that conference, Defendants Benson and Garrett shall respond to the emergency motion for a temporary restraining order by no later than **August 5, 2020**. The Court will conduct a hearing on that motion on **August 11, 2020**. The Court concludes that this schedule fairly balances the need to adjudicate Anders' motion on an accelerated basis, while also providing sufficient time for Defendants Benson and Garrett to respond to the motion. In addition, given the numerous other cases on the Court's docket, including other emergency matters, the schedule will provide the Court a full opportunity to review and consider the parties' submissions in advance of the hearing.

The Court recognizes that while the schedule described above is significantly expedited as compared to a normal briefing schedule under the Court's Local Rules, it is not as expedited as Anders has requested. However, the urgency to resolve Anders' motion is largely one of Anders' own making. In the motion, Anders indicates that he wants to engage in certain anonymous political speech related to a decision of the Wayne County Circuit Court, but that ruling was issued more than six weeks ago. Given Anders' delay in filing his Complaint and motion, the Court is not persuaded that a more accelerated schedule is warranted here.

During the July 29, 2020, status conference, the Court also discussed Anders' pending motion for summary judgment. That motion seeks summary judgment on two of Anders' state-law claims. On July 28, 2020, the Court entered an order requiring Anders to show cause in writing why the Court should not exercise its discretion to decline to exercise supplemental jurisdiction over all of his state-law claims, including the claims that are the subject of the summary judgment motion. (*See* Order, ECF No. 11.) As the Court explained during the status conference, it will not resolve Anders' pending summary judgment motion until it resolves whether it will exercise supplemental jurisdiction over his state-law claims. Accordingly, for the reasons stated during the status conference:

- Anders shall respond to the show cause order by no later than **July 31, 2020**;
- Defendants may file responses to Anders' response to the show cause order by no later than **August 7, 2020**;
- The Court **DENIES** Anders' emergency motion to expedite the briefing on his summary judgment motion (ECF No. 9). The Court will enter a briefing schedule for that motion, if necessary, after it resolves the show cause order and determines whether it will exercise supplemental jurisdiction over Anders' state-law claims; and

- Defendants need not file a response to the motion for summary judgment nor file an answer or otherwise respond to the Complaint until further order of the Court.¹

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: July 29, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 29, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764

¹ During the July 29, 2020, status conference, counsel for Anders indicated that Anders may file a First Amended Complaint in this action. If Anders files such a pleading, no Defendant need answer or otherwise respond to the First Amended Complaint until further order of the Court.